

Barbara Campbell

1007 Rec'd PCT/PTO 28 JAN 2002


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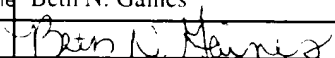
PTO/SB/21 (6-98)  
Approved for use through 09/30/2000. OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/936,680
	Filing Date	June 7, 2001
	First Named Inventor	Cox et al.
	Group Art Unit	Not yet assigned
	Examiner Name	Not yet assigned
Total Number of Pages in This Submission	Attorney Docket Number	5977-01-DRK

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Copy of Notification of Missing Requirements
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	Copy of Transmittal Letter to the US Designated/Elected Office
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	Return Postcard
<input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Eric J. Baude, Reg. No. 47,413
Signature	
Date	12/18/01

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: 12/18/01	
Typed or printed name	Beth N. Gaines
Signature	
Date	12/18/01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

## IN THE UNITED STATES PATENT &amp; TRADEMARK OFFICE

APPLICANT : Cox et al. EXAMINER : Not yet assigned  
SERIAL NO. : 09/936,680 ART UNIT : Not yet assigned  
FILED : June 7, 2001 PAPER NO : 1  
FOR : A NOVEL FAMILY OF BETA SUB-UNIT PROTEINS FROM A  
VOLTAGE-GATED SODIUM CHANNEL, NUCLEIC ACIDS ENCODING  
THEM AND THERAPEUTIC OR DIAGNOSTIC USES THEREOF

**Response to Notification of Missing Requirements Under 37 CFR 1.53(b)**

Commissioner for Patents  
Box PCT  
Washington, D.C. 20231

Dear Sir:

In response to the Notification of Missing Requirements under 35 U.S.C. § 371, mailed November 1, 2001 Applicants provide the following response.

**I. MISSING REQUIREMENTS UNDER 37 C.F.R. §§ 1.821-1.825**

Applicants state that the contents of the previously filed paper sequence listing and the computer readable form are the identical and include no new matter; the sequence listing information recorded in computer readable form is identical to the written sequence listing.

**II. ADDITIONAL FEES FOR CLAIMS**

The present action alleges that an additional \$3078 is due for 189 claims over 20.

Applicants believe that the Patent Office is in error and that no additional fees are required. Applicants respectfully point out that there were only **38 claims** pending in the present application. Applicants therefore maintain that the authorization to charge Applicants' Deposit Account No. 23-0455 the amount of \$2,044.00 in the transmittal should have been sufficient to cover the costs of the application and examining the 38 currently pending claims.

Applicants enclose herewith Exhibit A – a copy of the transmittal papers with a claim calculation and authorization to charge the Deposit Account No. 23-0455. Nevertheless, if the Patent Office does not agree, Applicants authorize the Patent Office to deduct \$3078, and any additional fees for filing of the application, from the undersigned's Deposit Account No. 23-0455. Applicants reserve the right, however, to appeal from this additional charge.

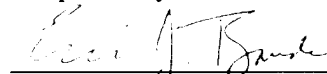
### CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for examination.

If the Examiner believes that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at 734-622-2095.

Dated: December 18, 2007

Respectfully submitted,



Eric J. Baude

Registration No. 47,413

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TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

5977-01-SD

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

INTERNATIONAL APPLICATION NO.  
PCT/EP00/01783INTERNATIONAL FILING DATE  
27 February 2000PRIORITY DATE CLAIMED  
15 April 1999

## TITLE OF INVENTION

A NOVEL BETA SUB-UNIT FROM A VOLTAGE-GATED SODIUM CHANNEL, NUCLEIC ACID ENCODING  
THEM AND THERAPEUTIC OR DIAGNOSTIC USES THEREOF

## APPLICANT(S) FOR DO/EO/US

COX, Peter; DIXON, Alistair; JACKSON, Antony; MORGAN, Kevin

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
  - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ A copy of the International Search Report (PCT/ISA/210).
8. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
9. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
10. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

## Items 13 to 20 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☒ Certificate of Mailing by Express Mail
20. ☐ Other items or information:

EXPRESS MAIL NO. ET401306209US

U.S. APPLICATION NO. (IF KNOWN, SEE [REDACTED])

PCT/EP00/01783

ATTORNEY'S DOCKET NUMBER

5977-01-SD

21. The following fees are submitted:

CALCULATIONS PTO USE ONLY

**BASIC NATIONAL FEE ( 37 CFR 1.492 (a) (1) - (5) ) :**

- ☒ Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... \$970.00
- ☐ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... \$840.00
- ☐ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$690.00
- ☐ International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$670.00
- ☐ International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$96.00

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

\$970.00

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).

\$0.00

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total claims	38 - 20 =	18	x \$18.00	\$324.00
Independent claims	9 - 3 =	6	x \$80.00	\$480.00
Multiple Dependent Claims (check if applicable).				<input checked="" type="checkbox"/> \$270.00

**TOTAL OF ABOVE CALCULATIONS =**

\$2,044.00

Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28) (check if applicable).

☐

\$0.00

**SUBTOTAL =**

\$2,044.00

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).

+

\$0.00

**TOTAL NATIONAL FEE =**

\$2,044.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable).

☐

\$0.00

**TOTAL FEES ENCLOSED =**

\$2,044.00

Amount to be:	\$
refunded	
charged	\$

- ☐ A check in the amount of \_\_\_\_\_ to cover the above fees is enclosed.
- ☒ Please charge my Deposit Account No. **23-0455** in the amount of **\$2,044.00** to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **23-0455**. A duplicate copy of this sheet is enclosed.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

David R. Kurlandsky  
Registration No. 41,505Warner-Lambert Company  
2800 Plymouth Road  
Ann Arbor, MI 48105  
Tel. (734) 622-7304  
Fax (734) 622-1553

SIGNATURE

David R. Kurlandsky

NAME

41,505

REGISTRATION NUMBER

14 September 2001

DATE